

M^cGinnes Industrial Maintenance Corporation

9590 Clay Road • Houston, Texas 77080 • 713-772-9100 • 832-668-3188 Fax

August 20, 2013

Mr. Bob Werner, MC 6SF-TE
U.S. Environmental Protection Agency, Region 6
Superfund Branch (6SF-RA)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

Re: Financial Responsibility – Remedial Investigation and Feasibility Study (RI/FS)
San Jacinto River Waste Pits (SJWP), Harris County, Texas
SSID No. 06ZQ, EPA ID No. TXN000606611

Dear Mr. Werner:

As required by the EPA Special Notice Letter to MIMC on July 17, 2009, the potentially responsible parties (PRP's) submitted a Joint Good Faith Offer to the EPA on September 9, 2009. The Good Faith Offer included proof of MIMC's ability to provide one half the financial responsibility (FR) for the SJWP RI/FS. Note that the previous bond submitted with the Joint Good Faith Offer was set to expire on September 18, 2013. MIMC previously submitted the FR by letter dated July 24, 2013. The package was delivered to the EPA Region 6 mailroom on July 24, 2013. Attached are replacements for the Continuation Certificate for the original Performance Bond and Power of Attorney for the above referenced RI/FS.

If you have any questions or require additional information, please feel free to give me a call at 713-773-9100, ext. 109. Thanks and best regards,

MIMC



Andrew L. Shafer, P.E.
Project Manager

Attachment
ALS/me
XC:

Barbara Nann-EPA - (pdf- email)-w/attachment
Gary Miller - EPA - (pdf- email)-w/attachment
Donna Meals - - (pdf- email)-w/attachment
David Moreira - (pdf- email)-w/attachment
Steve Joyce – (pdf- email)-w/attachment
Francis Chin – (pdf-email)-w/attachment
Al Axe – (pdf-email)-w/attachment

CONTINUATION CERTIFICATE

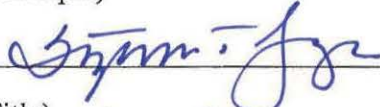
The Lexon Insurance Company, 10002 Shelbyville Road, Suite 100, Louisville, KY 40223, as Surety on bond number 1036654 issued on the 18th day of SEPTEMBER, 2009, in the amount of TWO MILLION AND 00/100 Dollars (\$2,000,000.00), on behalf of McGinnes Industrial Maintenance Corporation, 1-10 San Jacinto River, Channelview, TX 77530, in favor of the United States Environmental Protection Agency, 1445 Ross Avenue, Suite 1200, Dallas, TX 75202-2733, hereby continues said bond in the amount of ONE MILLION FIVE HUNDRED THOUSAND AND 00/100 Dollars (\$1,500,000.00), for the period beginning the 18th day of SEPTEMBER, 2013 and ending on the 18th day of SEPTEMBER, 2014 subject to all covenants and conditions as set forth and expressed in said bond.

This Continuation Certificate is executed upon the express condition that the Company's liability under said bond and this and all Continuation Certificates issued in connection therewith shall not be cumulative and shall not in any event exceed the sum of the said bond in force at the time of default.

Signed and sealed this 3rd day of JULY, 2013.

McGinnes Industrial Maintenance Corporation

(Principal)

By: 

(Title) Area Director - CSM& East

Lexon Insurance Company

(Surety)

By: 

Dawson West, Attorney-in-Fact

POWER OF ATTORNEY

LX - 071788

Lexon Insurance Company

KNOW ALL MEN BY THESE PRESENTS, that **LEXON INSURANCE COMPANY**, a Texas Corporation, with its principal office in Louisville, Kentucky, does hereby constitute and appoint:

Brook T. Smith, Mark A. Guidry, Raymond M. Hundley, Jason D. Cromwell, James H. Martin, Sandra L. Fusinetti, ****

Deborah Neichter, Jill Kemp, Jackie C. Koestel, Sheryon Quinn, Dawson West, Bonnie J. Wortham, Amy Meredith, Lynnette Long, Barbara Duncan *****

its true and lawful Attorney(s)-In-Fact to make, execute, seal and deliver for, and on its behalf as surety, any and all bonds, undertakings or other writings obligatory in nature of a bond.

This authority is made under and by the authority of a resolution which was passed by the Board of Directors of **LEXON INSURANCE COMPANY** on the 1st day of July, 2003 as follows:

Resolved, that the President of the Company is hereby authorized to appoint and empower any representative of the Company or other person or persons as Attorney-In-Fact to execute on behalf of the Company any bonds, undertakings, policies, contracts of indemnity or other writings obligatory in nature of a bond not to exceed \$ 4,000,000.00 Four million dollars ***** dollars, which the Company might execute through its duly elected officers, and affix the seal of the Company thereto. Any said execution of such documents by an Attorney-In-Fact shall be as binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company. Any Attorney-In-Fact, so appointed, may be removed for good cause and the authority so granted may be revoked as specified in the Power of Attorney.

Resolved, that the signature of the President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Assistant Secretary, and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power or certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certificate so executed and sealed shall, with respect to any bond of undertaking to which it is attached, continue to be valid and binding on the Company.

IN WITNESS THEREOF, **LEXON INSURANCE COMPANY** has caused this instrument to be signed by its President, and its Corporate Seal to be affixed this 21st day of September, 2009.

**LEXON INSURANCE COMPANY**

BY

David E. Campbell
President

ACKNOWLEDGEMENT

On this 21st day of September, 2009, before me, personally came David E. Campbell to me known, who being duly sworn, did depose and say that he is the President of **LEXON INSURANCE COMPANY**, the corporation described in and which executed the above instrument; that he executed said instrument on behalf of the corporation by authority of his office under the By-laws of said corporation.

"OFFICIAL SEAL"
MAUREEN K. AYE
Notary Public, State of Illinois
My Commission Expires 09/21/13

Maureen K. Aye
Notary Public

CERTIFICATE

I, the undersigned, Assistant Secretary of **LEXON INSURANCE COMPANY**, A Texas Insurance Company, DO HEREBY CERTIFY that the original Power of Attorney of which the foregoing is a true and correct copy, is in full force and effect and has not been revoked and the resolutions as set forth are now in force.

Signed and Sealed at Woodridge, Illinois this 3rd Day of July, 2013.



Philip G. Lauer
Assistant Secretary

"WARNING: Any person who knowingly and with intent to defraud any insurance company or other person, files an application for insurance or statement of claim containing any materially false information, or conceals for the purpose of misleading, information concerning any fact material thereto, commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties."